

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re

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Chapter 7

JAN RICHARD SCHLICHTMANN,

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Case No. 91-18387-CJK

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Debtor

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**MEMORANDUM OF DECISION AND ORDER
ON RESPONDENTS' MOTION FOR SUMMARY JUDGMENT**

The Respondents have moved for summary judgment on the issue of whether their alleged violation of the Debtor's discharge was a knowing violation. The Court will deny the motion for the following reasons. First, the Court-established deadline for the filing of dispositive motions has passed. Second, the determination of specific intent by summary judgment is disfavored and seldom prudent. Third, in this instance, drawing all inferences in favor of the nonmoving party, as the Court is obligated to do on a motion for summary judgment, the record would admit of genuine issues of material fact on the issue of specific intent. Fourth, even if summary judgment could be granted as to actions to enforce a surviving security interest, the motion for summary judgment offers no evidence to show that *all* the actions of which the Debtor complains are within the scope of that protection and not attempts to collect discharged *in personam* liability.

ORDER

For the reasons set forth above, the Respondents' motion for summary judgment is hereby denied.

Date:

May 18, 2005

Robert Somma

Robert Somma

United States Bankruptcy Judge

cc: Jan Richard Schlichtmann, Esq., Debtor
Mark Bluver and Steven Weiss, Esq., for Respondents